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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPT. 99-632
Part 1

COMPLETED 5 ORIGINAL

AMENDING THE BOUNDARY WATERS CANOE AREA WILDERNESS LAW TO CHANGE THE AUTHORIZATIONS OF APPROPRIATIONS FOR RESOURCE MANAGEMENT REVIEW AND GRANTS

JUNE 11, 1986.—Ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 4348]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs to whom was referred the bill (H.R. 4348) to amend the Boundary Waters Canoe Area Wilderness law to change the authorizations of appropriations for resource management review and grants, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of H.R. 4348 [1] is to authorize a shift of $2 million in authorization from the Federal forestry intensification provision of the Boundary Waters Canoe Area Wilderness Act of 1978 (Public Law 95-495) to the State and private forestry provisions of that same law.

BACKGROUND

The 1 million-plus acre Boundary Waters Canoe Area [BWCA] was one of the first components of the Wilderness Preservation System, having been included in the 1964 Wilderness Act.

The Boundary Waters Canoe Area Wilderness Act of 1978 (Public Law 95-495) was enacted to address many of the management issues such as logging, mining, and motorized use, which had been sources of controversy for over 50 years and which had been left unresolved by the 1964 Wilderness Act.

Section 6(d) of Public Law 95-495 authorized a 10-year Forestry Intensification Program on Federal, State, county, and private

[1] H.R. 4348 was introduced by Representative James Oberstar on Mar. 6, 1986.

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lands outside the BWCA. The purpose of the program is to provide for intensive forestry practices to increase yields on timberlands adjacent to the BWCA.

Legislative History and Committee Recommendation

The Subcommittee on National Parks and Recreation held a hearing and markup of H.R. 4348 on May 15, 1986, at which time the measure was favorably recommended to the Committee on Interior and Insular Affairs.

The Committee on Interior and Insular Affairs ordered the bill favorably reported to the House by voice vote on June 4, 1986.

Section-by-Section Analysis

H.R. 4348 would amend section 6(d) of Public Law 95-495, effective October 1, 1987, by decreasing the authorization for the Federal Forestry Intensification Program from $8 million to $6 million, and by increasing the State, County, and Private Forestry Intensification Program from $3 million to $5 million.

This change will not impact on the historical pattern of forestry spending on Federal lands outside the BWCA, but is intended to better allocate resources for the efforts being put forth under the Cooperative Forestry Program, which is carried out on a cost-sharing basis.

Oversight Statement

The committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the act, but no specific oversight hearings have been conducted on this matter. No recommendations were submitted to the committee pursuant to rule X, clause 2(b)(2).

Inflationary Impact Statement

The committee finds that enactment of this measure would have no inflationary impact on the national economy.

Cost and Budget Act Compliance

The analysis of the Congressional Budget Office, which the committee adopts as its own, follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, June 10, 1986.

Hon. Morris K. Udall,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Longworth House Office Building, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 4348, a bill to amend the Boundary Waters Canoe Area Wilderness law to change the authorizations of appropriations for resource management review and grants, as ordered reported by the House Committee on Interior and Insular Affairs on June 4, 1986.

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H.R. 4348 would decrease the authorization for the Federal Forestry Intensification Program in the Department of Agriculture from $8 million to $6 million for each of fiscal years 1987 to 1990. In addition, the bill would increase the authorization for the State, County, and Private Forestry Grant Program in the Department of Agriculture from $3 million to $5 million annually for fiscal years 1987 to 1990.

Assuming that the full amounts authorized would have been appropriated under current law and that the full amounts authorized in H.R. 4348 would be appropriated in each year, enactment of the bill would result in no net change in budget authority for the Department of Agriculture. However, because the spending rate for the Forestry Grant Program is faster than for the Forestry Intensification Program, total outlays would increase by $0.3 million in 1987 and 1988, $0.2 million in 1989 and $0.1 million in 1990. These increases would be offset by corresponding decreases in outlays from 1991 through 1994.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF OCTOBER 21, 1978

(92 Stat. 1649, 1652)

* * * * * * *

SEC. 6. (a) The Secretary is directed to terminate within a period of one year after the date of passage of this Act, all timber sale contracts in the Boundary Waters Canoe Area Wilderness. There shall be no further logging of the virgin forest areas formerly enjoined from logging by the United States District Court on said contract areas during the termination period.

The purpose of said termination period is only to permit completion of the harvesting of timber within existing areas under contract that are not within the areas described above and permit the taking of ameliorative measures, including land and cover restoration that will, at the earliest feasible date, make the imprint of man's work substantially unnoticeable on the lands included as wilderness in this Act.

(b)(1) In the event that termination of timber sale contracts in subsection (a) reduces the total national forest volume which a purchaser has under contract on the Superior National Forest to less than two years cut based on the average volume of Superior National Forest timber harvested by the purchaser in the last three years, the Secretary may, with the consent of the purchaser, substi-

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tute, to the extent practicable, timber on other national forest lands approximately equal in species and volume to the timber sale contract affected. In offering substitute timber, the Secretary shall negotiate the substitution at a price that is mutually equitable considering such factors as species volume, logging accessibility, and other terms of the agreement.

(2) The United States will pay just compensation for any timber contracts terminated or modified by this Act, consistent with amendment V to the Constitution of the United States. Losses due to costs incurred in directly fulfilling the terms of such contracts shall be paid by the United States. Any action for the recovery from the United States of cost as provided above shall be brought in a court of competent jurisdiction. Any such judgments shall be paid from the claims and judgments fund (31 U.S.C. 724a).

(c) Within the limits of applicable laws and prudent forest management:

(1) the Secretary shall, in furtherance of the purposes of subsection (a) of this section and of section 4 of the National Forest Management Act of 1976 (90 Stat. 2949), expedite the intensification of resource management including emphasis on softwood timber production and hardwood utilization on the national forest lands in Minnesota outside the wilderness to offset, to the extent feasible, the reduction in the programmed allowable timber harvest resulting from reclassification of the Boundary Waters Area, and the Secretary shall make a review of progress to date in 1983, and a forecast of planned achievements by 1985 and shall submit, as a part of the 1985 program under the schedule called for in the Resources Planning Act of 1974, a Plan and recommendations for 1985-1990. In administering the Superior National Forest, the Secretary is authorized and directed to engage in artificial and natural regeneration, release, site preparation, and other forms of timber production enhancement.

(2) The Secretary, in carrying out the requirements in section (c)(1), is authorized and directed to cooperate with the State of Minnesota and its political subdivisions to develop and implement a system of grants, for the development of renewable resources on State, County and private lands. He may also seek the cooperation of other Federal departments and agencies to assure a coordinated approach to renewable resources development.

(d) There is authorized to be appropriated, in addition to such sums as may otherwise be appropriated for the Superior National Forest from existing authorities established by law, the following additional sums for the fiscal years 1980 through 1990 inclusive:

(1) to carry out the purposes of subsection 6(c)(1) an additional *$6,000,000* [$8,000,000] annually; and,

(2) to carry out the purposes of subsection 6(c)(2) an additional *$5,000,000* [$3,000,000] annually: *Provided, however,* That the Federal share of any grant made pursuant to subsection 6(c)(2) shall not exceed 80 percent of the total cost of said grant.

(e) Funds appropriated pursuant to this section shall remain available until expended. Authorizations in excess of funds appro-

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priated in a given fiscal year shall remain available for appropriation in subsequent fiscal years.

(f) In addition to those personnel who would otherwise be available, the Secretary is authorized to appoint and fix the compensation (not to exceed that of grade 15 on the General Schedule for Federal employees) of additional full-time personnel for the Superior National Forest to carry out the purposes of this Act.

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